

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES MCDONALD #236354

Plaintiff,)
Vs.) CIVIL ACTION NO.2:06-CV-284-MHT
RICHARD ALLEN, et.al.,)
Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Gwendolyn Mosley, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Gwendolyn Mosley and I am presently employed as a Correctional Warden III, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Drive, Clio, AL 36017. I am over twenty-one (21) years of age.

Inmate James McDonald arrived at Easterling Correctional Facility on November 29, 2004. Inmate McDonald alleges that Easterling Correctional Facility is overcrowded. At present, we have approximately 1269 inmates. The facility was designed to house approximately 652 inmates. Most of our inmates' beds are stacked beds (bunks) due to the increase of inmates entering the facility. I do not have control over the number of inmates entering our facility.

Easterling Correctional Facility has one physician. Our current physician is able to cover inmate requests and provide medical attention.

EXHIBIT

A

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Our Law Library at Easterling Correctional Facility operates on Tuesday-Friday from 12:00 PM to 7:00 PM and on Saturday from 8:00 AM to 4:00 PM. All inmates that need access to the Law Library are allowed to use it when their assigned dormitory has yard/recreation call. Inmates that need additional time have the opportunity to request for additional time by a written request slip to the Law Library Officer.

Inmates are allowed two or three recreation/yard times on First Shift and one recreation/yard time on Second Shift. Inmate recreation time is based on daily inmate counts and feeding time.

Easterling Correctional Facility does not have a faulty fire alarm system. The system is checked periodically by our Fire Safety Officer.

Inmates turn in their under shorts, under shirts, socks, towels, and washcloths in a laundry bag and they are washed in the bag. Sheets are turned in at a specified time. State pants and shirts are washed at a specified time.

All inmates are provided proper bedding. They receive one blanket, two sheets, one pillowcase and one mattress. Inmates' blankets are washed once a month, upon inmate request, by turning their blankets in to be washed. If inmates' clothes are not dry, inmates are to inform the Dorm Officer. The Dorm Officer will have all inmates that have wet clothing turn them back in to the Laundry for proper drying.

Easterling Correctional Facility is not dumping raw sewage. Our sewage is connected with the City of Clio, Alabama treatment plant.

Inmate showers are operated from 5:00 PM to 7:00 PM for inmates who do not take yard call. Inmates who do take yard call have the opportunity to shower from 7:30 PM to

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9:00 PM. Inmates assigned to the Kitchen, etc. are allowed to shower when their shift is completed. Inmate McDonald is afforded the proper time to take his shower.

Inmate McDonald's allegation that inmate barbers were made to stop cutting hair because of a Staph epidemic is not true. Inmate barbers are given supplies to clean the hair clippers between each inmate's hair cut and are checked by our Supply Officer.

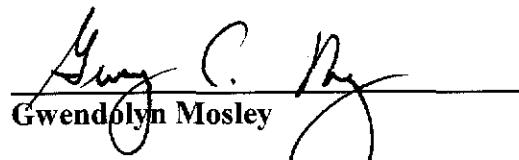
According to our Health Care Unit Health Services Administrator Ms. Kay Wilson, Hepatitis C is not a major concern here at our facility. We do have inmates with Hepatitis C and they are being treated. No inmates were vaccinated for Hepatitis B because of the spread of Hepatitis. They were vaccinated for precaution. NO inmate was forced to be vaccinated.

On August 25, 2005, our Administrative Lieutenant asked the City of Clio, Alabama if they have received any health complaints regarding the drinking water. They advised that there have been no health complaints related to water consumption (Exb. #1). Our facility received an Annual Drinking Water Quality Report from the City of Clio, Alabama (Exb.#2).

No Correctional Officer or any ADOC Employee at Easterling Correctional Facility has been instructed to drink bottled water. According to our Health Care Unit, they have seen no evidence that our drinking water causes inmates to have skin rashes, sores, or Staph infection. The staff and I drink the same water and have no complaint about the water.

I have not violated any inmate's state or constitutional rights.

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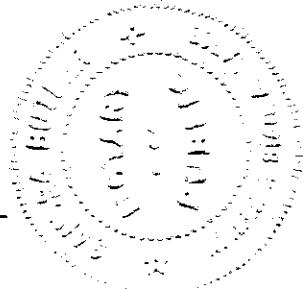


Gwendolyn Mosley

SWORN TO AND SUBSCRIBED TO before me this the 27th day of
August, 2006.



Linda Butler
NOTARY PUBLIC



My Commission Expires: 12/08/07